



## National Highway Traffic Safety Administration

[Docket No. DOT-NHTSA-2022-0011]

### Agency Information Collection Activities; Notice and Request for Comment; Record Retention

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments on an extension of a currently approved information collection

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval. The information collection is for mandatory record retention requirements.

**DATES:** Written comments should be submitted by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments identified by the Docket No. DOT-NHTSA-2022-0011 through any of the following methods:

- Electronic Submissions: Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: (202) 493-2251.
- Mail or Hand Delivery: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you please (202) 366-9322 before coming.

*Instructions:* All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2020 (65 FR 19477-78) or you may visit <https://www.transportation.gov/privacy>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact Paul Simmons, Office of Defect Investigation (NEF-110), (202) 366-2315, National Highway Traffic Safety Administration, Department of Transportation, 1200

New Jersey Avenue, SE, Washington, DC 20590, email paul.simmons@dot.gov. Please identify the relevant collection of information by referring to its OMB Control Number 2127-0042.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

**Title:** Record Retention – 49 CFR Part 576

**OMB Control Number:** 2127-0042

**Form Number(s):** N/A

**Type of Request:** Extension of a currently approved information collection

**Type of Review Requested:** Regular

**Summary of the Collection of Information:**

Under 49 U.S.C. Section 30166(e), NHTSA “reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor or dealer to make reports, to enable [NHTSA] to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed under this chapter.”

To ensure that NHTSA will have access to this type of information, the agency exercised the authority granted in 49 U.S.C. Section 30166(e) and promulgated 49 CFR Part 576 Record Retention, initially published on August 20, 1974 and most recently amended on July 10, 2002 (67 FR 45873), requiring manufacturers to retain one copy of all records that contain information concerning malfunctions that may be related to motor vehicle safety for a period of five calendar years after the record is generated or acquired by the manufacturer. Manufacturers are also required to retain for five years the underlying records related to early warning reporting (EWR) information submitted under 49 CFR Part 579. The information collections support NHTSA’s mission by increasing the effectiveness of NHTSA’s investigations into potential safety related defects.

#### **Description of the Need for the Information and Proposed Use of the Information:**

The records that are required to be retained per 49 CFR Part 576 are used to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment in the United States. When a trend in incidents arising from a potentially safety-related defect is discovered, NHTSA relies on this information, along with other agency data, to determine whether or not to open a formal defect investigation (as authorized by Title 49 U.S.C. Chapter 301 – Motor Vehicle Safety). NHTSA normally becomes aware of possible safety-related defects because it receives consumer complaints.

Agency experience has shown that manufacturers receive significantly more consumer complaints than does the agency. This is because the consumer with the product does not know whether their particular vehicle or equipment has a problem that is common with an entire group

of vehicles or equipment. Whereas consumers know the manufacturer of their vehicle or equipment, relatively few know how to file a complaint with the National Highway Traffic Safety Administration's Auto Safety Hotline. The complaints filed with the manufacturer give the agency a fair indication of how widespread the potential problem may be.

If the manufacturer did not retain its records, NHTSA would be unable to enforce the statutory requirements that the manufacturer notify the agency and other persons of a safety-related defect when the manufacturer "learns" of the defect, and notify the agency and other persons of a noncompliance when it "decides in good faith" that the noncompliance exists. Without access to the manufacturer's records, it would be impossible for anyone other than the manufacturer to show when or if that manufacturer had obtained knowledge of a potential defect or had determined in good faith that the noncompliance did or did not exist. Without access to manufacturers' records, NHTSA's examinations of potential defects and non-compliances would be seriously handicapped. NHTSA could conduct surveys of vehicle owners or use other means to learn of problems with vehicles and equipment, but any of these other methods would require significantly more information collections by the agency and necessitate a larger staff of the agency's Office of Defect Investigations.

**Affected Public:** Manufacturers of motor vehicles and motor vehicle equipment

**Estimated Number of Respondents:** 1,030

NHTSA estimates that approximately 1,030 manufacturers of vehicles and equipment (including tires, child restraint systems and trailers) are required to maintain records under Part 576.

**Frequency:** As needed

**Number of Responses:** 1,030

**Estimated Total Annual Burden Hours:** 40,225

NHTSA estimates the total annual burden for each vehicle, tire, and child restraint manufacturer to be 40 hours for a subtotal of 40,200 hours (1,005 respondents × 40 hours). In

addition, there are approximately 23,660 equipment manufacturers (excluding tires, child seat restraint systems and trailer manufacturers) whose record retention requirements under Part 576 are limited to the documents underlying their Part 579 reporting requirements. Their Part 579 requirements include only the reporting of incidents involving deaths. Therefore, based on the number of death reports submitted to date by these equipment manufacturers, we estimate that an additional 25 equipment manufacturers have record retention requirements imposed by Part 576. We estimate that it will take one hour each to maintain the necessary records each year for a subtotal burden of 25 hours (25 respondents  $\times$  one hour). Accordingly, NHTSA estimates that the total annual burden hours is 40,225 hours ((1,005 respondents  $\times$  40 hours) + (25 respondents  $\times$  1 hour)).

To calculate the labor cost associated with maintaining, NHTSA looked at wage estimates for the type of personnel involved with compiling and submitting the documents. NHTSA estimates the total labor costs associated with these burden hours by looking at the average wage for clerical workers. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for office clerks (BLS Occupation code 43-9061) in the Motor Vehicle Manufacturing Industry is \$20.98.<sup>1</sup> The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.2% of total labor compensation costs.<sup>2</sup> Therefore, NHTSA estimates the hourly labor costs to be \$29.89 and NHTSA estimates the total labor cost associated with the 40,225 burden hours to be \$1,202,325.25. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

**Table 1: Burden Estimates**

Annual Responses	Estimated Burden Per Response	Average Hourly Labor Cost	Labor Cost Per Response	<b>Total Burden Hours</b>	Total Labor Costs
1,030	39.05 hours	\$29.89	\$1,167.31	<b>40,225</b>	\$1,202,325.25

<sup>1</sup> May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100 - Motor Vehicle Manufacturing, available at [https://www.bls.gov/oes/2020/may/naics4\\_336100.htm#43-0000](https://www.bls.gov/oes/2020/may/naics4_336100.htm#43-0000) (accessed March 25, 2022).

<sup>2</sup> See Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2020), available at [https://www.bls.gov/news.release/archives/ecec\\_06182020.pdf](https://www.bls.gov/news.release/archives/ecec_06182020.pdf) (accessed March 25, 2022).

**Estimated Total Annual Burden Cost: \$0**

NHTSA estimates that there are no costs resulting from this collection of information other than labor costs associated with the burden hours.

**PUBLIC COMMENTS INVITED:** You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**AUTHORITY:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

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Stephen Ridella,  
Director, Office of Defect Investigation.

[Billing Code 4910-59-P]

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